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In re Application of  
Kiyonori Tsuda  
Application No. 10/667,301  
Filed: September 23, 2003  
Attorney Docket Number: 243014US3

**OFFICE OF PETITIONS**

ON PETITION

This is a decision on the petition filed December 1, 2004, entitled "Petition Under 37 CFR 1.137(a) Requesting The Withdrawal of Holding of Abandonment Due to Unavoidable Delay". The petition is treated as a Petition to Withdraw Holding of Abandonment, under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**.

The application became abandoned on February 16, 2004, for failure to file a timely response to the Notice to File Missing Parts mailed December 15, 2003, which set a two (2) month statutory period for reply. Accordingly, a Notice of Abandonment was mailed November 12, 2004.

Petitioner asserts that the Notice to File Missing Parts was never received.

The file record discloses that the Notice to File Missing Parts was mailed to the address of record. However, petitioner contends that it was not received. In support of this contention, an explanation of the docketing procedures and pages from the docketing system, wherein receipt of the Notice to File Missing Parts would have been entered, had it been received, accompanies the petition. The statement and attachments corroborate non-receipt of the Notice to File Missing Parts.

In view of the facts set forth in the petition, it is concluded that the Notice to File Missing Parts was never received. Accordingly, the petition under 37 CFR 1.137(a) is not treated and the holding of abandonment is withdrawn. Since no petition fee is due none has been charged.

Receipt of the response to the Notice to File Missing Parts mailed December 15, 2003, in the form of a properly executed Declaration and Power of Attorney and surcharge for late submission, is acknowledged.

This matter is being referred to the Office of Initial Patent Examination for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

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